

### Remarks

The Office Action mailed July 13, 2006 has been carefully considered. In that Action, Claims 1-17 were pending with Claims 12, 13, and 17 withdrawn from consideration. Claims 1-11 and 14-16 were rejected. Applicant respectfully requests reconsideration in light of the remarks below.

Applicant has amended Claims 1 and 9 to clarify that the tray has a structural configuration substantially covering the slide mechanism to prevent dust and waste collection *on the slide mechanism*. These amendments are supported, inter alia, by the claims themselves.

### 37 CFR 1.83(a)

The drawings were objected to under 37 CFR 1.83(a) for failing to show the cabinet frame interior in the elected embodiments. Applicant believes that element 68 of Figure 4, one of the elected embodiments, shows the inside wall of the cabinet, or the cabinet frame interior. Applicant has also amended to specification to provide the specific terminology the Office seeks. Applicant believes this amendment addresses the Office's concerns.

### Claim Objections

The claims were objected to for inconsistent use of terminology. Applicant has amended the claims as requested.

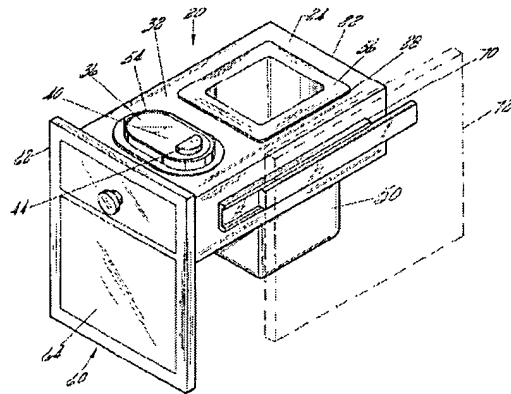
Claim 9 has also been amended to correct an inadvertent typographical error.

### 35 U.S.C. § 102(b)

Claims 1-11 and 14-16 were rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,938,305 ("Rubsam"). Applicant disagrees.

The present inventions of Claims 1-11 and 14-16 relate to, inter alia, a trash container system comprising a tray slidably movable into and out of the frame interior. A slide mechanism associates the tray to the interior of a cabinet. The tray carries a waste container. The tray is also configured to substantially cover the slide mechanism.

Rubsam is directed to a compost and dry storage enclosure apparatus. Rubsam's Figure 1 is provided below for context:



Rubsam's apparatus 20 includes a housing 22 and a planar support member 24. Located on the front of the housing 22 is a substantially vertical front panel 60. Slider mechanism 70 operably couples apparatus 20 to cabinet frame 72.

The Office argues that Rubsam's vertical panel 60 is applicant's tray configured to substantially cover the slide mechanism. Applicant respectfully disagrees. As recited by the currently pending claims, applicant's tray is slidably movable into and out of the frame interior. Rubsam's panel 60 is always outside of the frame interior and never moves into the frame interior, or into and out of the frame interior as recited by the claims. For at least this reason, Rubsam's panel 60 is not applicant's tray.

Further, the claims of the present invention recite that applicant's tray carries a waste container. Rubsam uses housing 22 to mount containers. Rubsam's panel 60 does not carry a waste container, nor is it capable of carrying a waste container. For at least this reason, Rubsam's panel 60 is not applicant's tray.

Further, the claims of the present invention recite that the tray is configured to cover the slide mechanism to prevent dust and waste from collecting on the slide mechanism. Rubsam's Figure 1 clearly shows that panel 60 is not covering slide 70 to prevent dust and waste collection on the slide. When adding trash to either of Rubsam's containers (e.g., 36 or 56), waste that is spilt or overflows onto surfaces 32 or 24 will collect on slide 70. Rubsam's panel 60 will not prevent this when Rubsam's system is open or when it is closed. Similarly, dust located inside

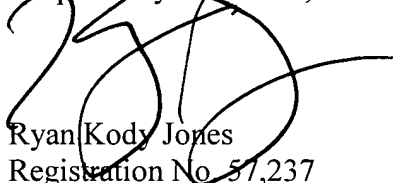
or outside of Rubsam's cabinet frame is free to collect on slide mechanism regardless of whether or not Rubsam's system is open or closed. For at least this reason, the claims of the present invention are patentable over the cited references.

Rubsam's panel is simply not applicant's tray, nor is it configured to achieve what applicant's tray achieves.

### **Conclusion**

Applicant submits that by this amendment the case is placed in condition for immediate allowance and such action is respectfully requested. However, if any issue remains unresolved, applicant's attorney would welcome the opportunity for a telephone interview to expedite allowance and issue.

Respectfully submitted,

  
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